

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 ZUNUM AERO, INC.,

11 Plaintiff,

12 v.

13 THE BOEING COMPANY, et al.,

14 Defendants.

CASE NO. C21-0896JLR

ORDER DIRECTING PARTIES
TO FILE SUPPLEMENTAL
BRIEFING

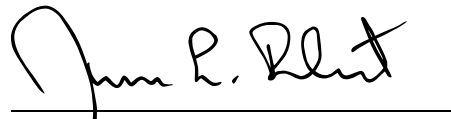
15 The court directs the parties to file concurrent supplemental briefing regarding
16 Defendants The Boeing Company (“Boeing”) and Boeing HorizonX Ventures, LLC’s
17 (“HorizonX”) (collectively, “Defendants”) motion for partial judgment on the pleadings
18 (Mot. (Dkt. # 50)). The supplemental briefing shall address the choice of law issue with
19 respect to Plaintiff Zunum Aero, Inc.’s (“Zunum”) Washington Securities Act claim.
20 (*See, e.g.*, Mot. at 18; Reply (Dkt. # 53) at 10; Resp. (Dkt. # 52) at 18.)

21 //

22 //

1 Specifically, the parties shall: (1) conduct a complete choice of law analysis
2 regarding the relevant securities;¹ (2) address the effect, if any, of the choice of law
3 provision in the 2017 Investor Rights Letter (*see* Nordlund Decl. (Dkt. # 51) ¶ 5, Ex. D)
4 on the choice of law analysis (*see, e.g.*, Resp. at 18); (3) address the effect, if any, of
5 Zunum’s claims “against [Defendants] under Delaware law under the same contracts” on
6 the choice of law analysis (*see, e.g.*, Reply at 10 (citing FAC ¶¶ 428, 444, 480)); and (4)
7 address whether the Washington Securities Act can apply to securities issued by a
8 Delaware corporation (*see, e.g.*, Mot. at 18). The supplemental briefing shall be filed no
9 later than May 31, 2022 and shall not exceed six pages in length.

10 Dated this 24th day of May, 2022.

11
12 
13 JAMES L. ROBART
14 United States District Judge
15
16
17
18
19
20

21 _____
22 ¹ These include the “2017 Convertible Promissory Note, 2017 Note Purchase Agreement,
2018 Convertible Promissory Note, and 2018 Note Purchase Agreement.” (*See* FAC (Dkt.
1-1) at ¶ 544.)